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TAGS: KJUS PTER PREL PGOV CO
SUBJECT: DEFINING JUSTICE AND PEACE LAW ELIGIBILITY

Classified By: Ambassador William B. Wood.
Reasons: 1.4 (b) and (d)

SUMMARY

¶1. (C) In early October, Minister of Interior and Justice (MOI/J) Sabas Pretelt met with Minister of Defense (MOD) Camilo Ospina, Peace Commissioner Luis Carlos Restrepo, and other high-level GOC officials to discuss the Justice and Peace (J&P) law eligibility of demobilized paramilitaries and other insurgents. It was decided that the MOD would define the list of J&P eligible individual deserters/demobilized and the MOI/J the list of collective demobilized paramilitaries. Pretelt said the selection of J&P-eligible candidates, including those already serving sentences, would have to be a political decision but should be rigorous and responsible. Nevertheless, he clarified that persons who have caused an "irreparable act to the community," such as the participants in the El Nogal bombing, should never be allowed to benefit from the J&P law. End Summary.

J&P ELIGIBILITY FOR INDIVIDUAL DESERTERS/DEMOBILIZED

¶2. (C) According to a mid-level GOC official present at the meeting, Minister Pretelt wanted to clarify J&P eligibility of demobilized paramilitaries and other insurgents. After a lengthy discussion, it was agreed that the MOD would generate the list of individual deserters/demobilized eligible to participate under J&P law. They agreed that the list would be the result of a rigorous verification process; candidates should only be those who contribute new and valuable information. All demobilized individuals must participate in military interviews and submit themselves to the Committee on Laying Down Arms (CODA), whose responsibility is to verify the individuals' membership in an illegal armed group and certify their participation in the reinsertion program.

¶3. (C) GOC officials present determined that it was not appropriate for judicial police to participate during the identification and selection process. The MOD, nevertheless, will share the information with the Prosecutor's Office (Fiscalia), the military, and police intelligence agencies.

Each of these agencies will then determine the value of the information.

THOSE ALREADY SENTENCED MUST ALSO COMPLY

14. (C) Pretelt said prisoners (those already convicted and sentenced to jail time for crimes before the J&P law) who apply for J&P benefits face the same requirements as an individual deserter/demobilized. Each person will be interviewed, and all their information will be carefully evaluated for relevance and utility. Peace Commissioner Restrepo announced that his office will send the names of 32 FARC prisoners who applied for J&P benefits (from the original list of 38) to the MOD to begin their initial interview process. Pretelt reportedly clarified that persons who have caused an "irreparable act to the community," such as the perpetrators of the Nogal bombing, should never be allowed to participate under the J&P law.

15. (C) Pretelt emphasized that the list generated for individual deserters who have demobilized as well as prisoners seeking J&P benefits should be "a responsible political act" and that the GOC must collect as much information as possible on those participating under the J&P law. Only the collection of all pertinent information will allow the government, with the assistance of the military, to dismantle the criminal organizations, he said.

COLLECTIVE DEMOBILIZED, SLIGHTLY DIFFERENT TREATMENT

16. (C) The selection of J&P eligible, collective demobilized paramilitaries will be the responsibility of the MOI/J. The creation of this list, as with that of the individual deserters/demobilized, would be a political decision but should be rigorous and responsible. It is expected that the interview process in these cases would be as thorough as that involving the individual deserters/demobilized.

17. (C) GOC officials also reportedly expressed concern that the Fiscalia has not attended the last four collective demobilizations and has not taken any 782 debriefings or "version libres." Several reasons were cited: 1) the Fiscalia does not have any guarantee that it could receive well-done and complete "version libres" since the demobilized paramilitary is normally under the pressure of his commanders, who tell him/her what to say or not to say during the debriefing; 2) the paramilitaries are still armed and demobilization zones do not offer necessary security to conduct the debriefings; and 3) the Fiscalia's Corp of Technical Investigators lack the necessary resources to participate in the demobilizations and conduct individual identifications in the demobilized zones.

18. (C) The Peace Commissioner suggested that the "version libres" be conducted once the paramilitary has been demobilized, turned over his/her arms, and his/her group is dissolved. That way, the Fiscalia can set-up an appointment with them to debrief in a zone which the Fiscalia can control. Restrepo explained that the manner in which the "version libres" are being conducted are inconvenient and undermine the seriousness of the investigation. His office and the Prosecutor General's will develop a strategy to improve this process.

19. (C) In response to recommendations from other GOC officials in the meeting, Restrepo acknowledged that his office will evaluate the possibility of informing paramilitaries during their demobilizations of their legal benefits and obligations under the J&P law. The objective would be to encourage them to participate in the J&P process and warn them that they could later be interviewed more extensively. The group was also informed that several paramilitary leaders have expressed their interest in benefiting under the J&P law and are waiting for the

implementing regulations before proceeding.

PREOCCUPATION FOR REPARATION FUNDS SOURCE

¶110. (C) Several GOC officials in the meeting raised concerns regarding the paramilitaries' willingness to declare their properties since most of these properties are in the names of their family members and the paramilitaries are reluctant to disclose their names. The meeting participants decided to explore options that could permit the paramilitaries to identify a sufficient number and value of property to make meaningful reparation to victims.

WOOD